

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

**Subfile No. CHRB-008-0001**

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant:

**NM STATE GAME COMMISSION**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.

4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer File No(s):** 0477

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rio Brazos, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** PARKVIEW DITCH

**Location:** X= 1,571,054 feet                            Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant                            20.4 acres

Total    20.4 acres

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**B. STORAGE IMPOUNDMENT (Surface Water Only):**

**Office of the State Engineer File No(s):** 2181

**Priority:** July 27, 1937

**Source of Water:**

PARKVIEW DITCH: Surface water of the Rio Brazos, a tributary of the Rio Chama.

BURNS CANYON DRAW: a tributary of the Rio Chama.

SPRING NO. 11A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 11B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12E: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12F: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12G: Surface water of a spring, a tributary of the Rio Chama.

**Purpose of Use:** FISH HATCHERY, DOMESTIC AND RECREATIONAL FISHING

**Point of Diversion:**

**Ditch:** PARKVIEW DITCH

**Location:** X= 1,571,054 feet                            Y= 2,087,568 feet

**Spring:** SPRING NO. 11A

**Location:** X= 1,546,475 feet                            Y= 2,082,159 feet

**Spring:** SPRING NO. 11B

**Location:** X= 1,546,402 feet                            Y= 2,082,052 feet

**Spring:** SPRING NO. 12A

**Location:** X= 1,545,736 feet                            Y= 2,081,432 feet

**Spring:** SPRING NO. 12B

**Location:** X= 1,545,816 feet                            Y= 2,081,160 feet

**Spring:** SPRING NO. 12E

**Location:** X= 1,545,604 feet                    Y= 2,081,182 feet

**Spring:** SPRING NO. 12F

**Location:** X= 1,545,603 feet                    Y= 2,081,131 feet

**Spring:** SPRING NO. 12G

**Location:** X= 1,545,536 feet                    Y= 2,081,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

**Location of Impoundment:**

Brood Pond No. 3, Parkview Fish Hatchery	11.6 acres
Within the Tierra Amarilla Grant	_____
Total	11.6 acres

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

**Amount of Water:**

10 cubic feet of water per second continuously for the purpose of maintaining a storage of 96.7 acre feet of water in Brood Pond No. 3 (7 second feet of said water diverted from the Parkview/LaPuente Ditch and 3 second feet of said water derived from Burns Canyon Draw and Springs located on Parkview Fish Hatchery property); provided, the waters so diverted to be returned to the La Puente Ditch undiminished in quantity other than by evaporation.

**C. PARKVIEW FISH HATCHERY (Surface Water Only):**

**Office of the State Engineer File No(s):** 1971

**Priority:**       October 10, 1931 (1,250 gallons per minute continuous flow)  
                    December 13, 1935 (750 gallons per minute continuous flow)

**Source of Water:**

SPRING NO. 11A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 11B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12E: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12F: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12G: Surface water of a spring, a tributary of the Rio Chama.

**Purpose of Use:** FISH HATCHERY

**Point of Diversion:**

**Spring:** SPRING NO. 11A

**Location:** X= 1,546,475 feet                    Y= 2,082,159 feet

**Spring:** SPRING NO. 11B

**Location:** X= 1,546,402 feet                    Y= 2,082,052 feet

**Spring:** SPRING NO. 12A

**Location:** X= 1,545,736 feet                    Y= 2,081,432 feet

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**Location:** X= 1,545,603 feet                    Y= 2,081,131 feet

**Spring:** SPRING NO. 12G

**Location:** X= 1,545,536 feet                    Y= 2,081,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

**Location:**

Parkview Fish Hatchery  
Within the Tierra Amarilla Grant

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

**Amount of Water:**

2,000 gallons per minute continuous flow year round, but not to exceed 3,250 acre-feet per annum; provided, the waters so diverted to be returned to the La Puente Ditch undiminished in quantity other than by evaporation.

5. Defendant has no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause; the water rights recognized herein does not include the right to divert and use water from Springs No. 12C, 12D or 12H, the locations of which are shown on the attached Hydrographic Survey Map 2 for Subfile CHRB-008-0001. These 3 springs are not presently included within Office of the State Engineer Licenses No. 1971 or 2181.
6. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

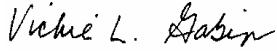
IT IS THEREFORE ORDERED that the right of the Defendant to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN, SPECIAL MASTER

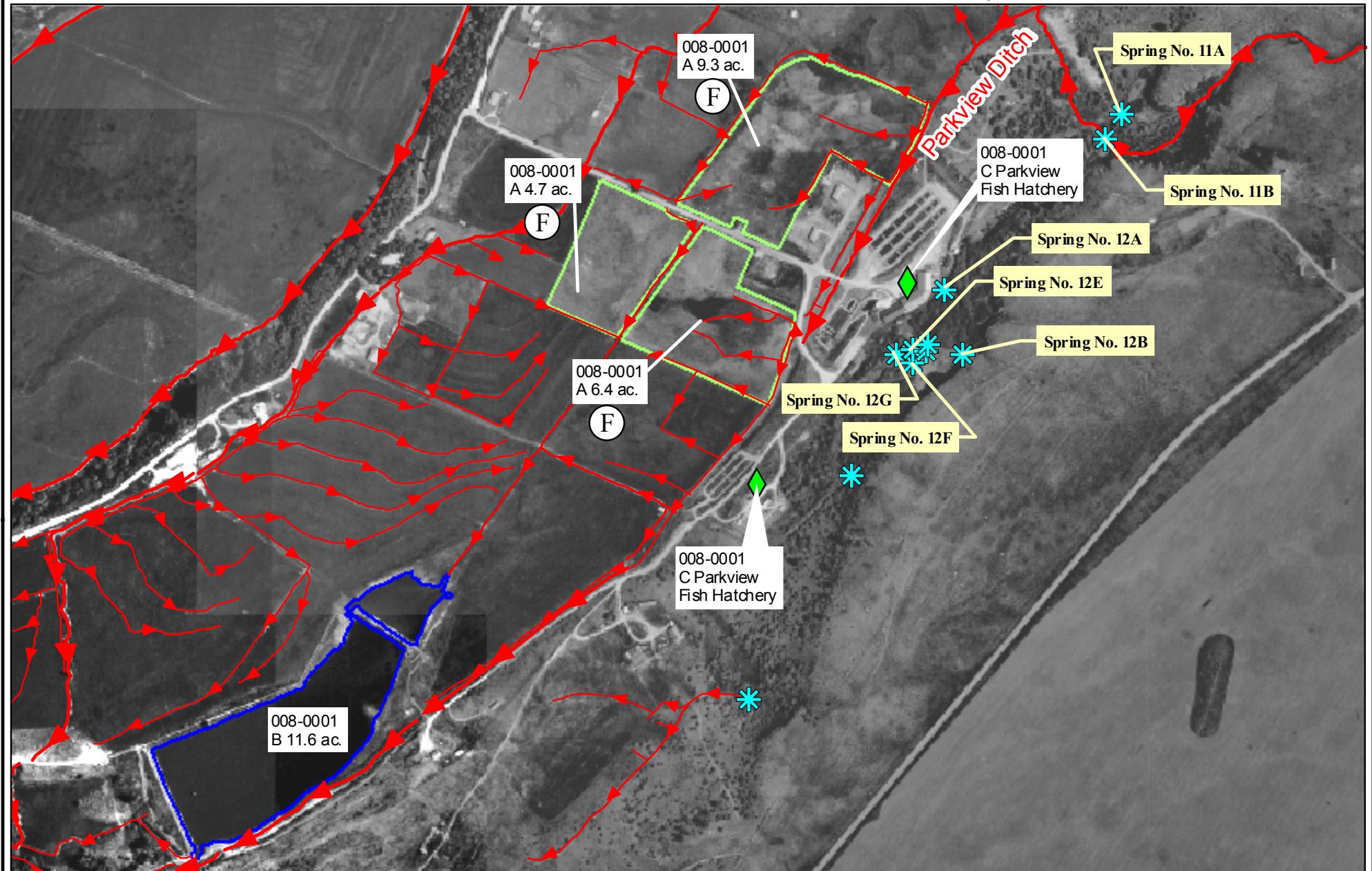
ACCEPTED: Todd W. Starnes *Secretary to the State Game Commission*  
NM STATE GAME COMMISSION

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

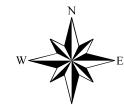
  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

4-10-2010  
Date



LEGEND

- [Green Box] Irrigated Tract Boundary
- [Yellow Box] No Right Tract Boundary
- [Blue Box] Seeped Area
- [Red Arrow] Operable Ditch
- [Dashed Red Line] Inoperable Ditch
- [Blue Line] Stock Ponds / Reservoir
- [Blue Circle] Point of Diversion
- [Yellow Circle] Well
- [Cyan Asterisk (\*)] Spring
- [White Circle with Black Border] Fallow
- [White Circle with Black Border and "NR"] No Right
- [Green Diamond] Fish Hatchery



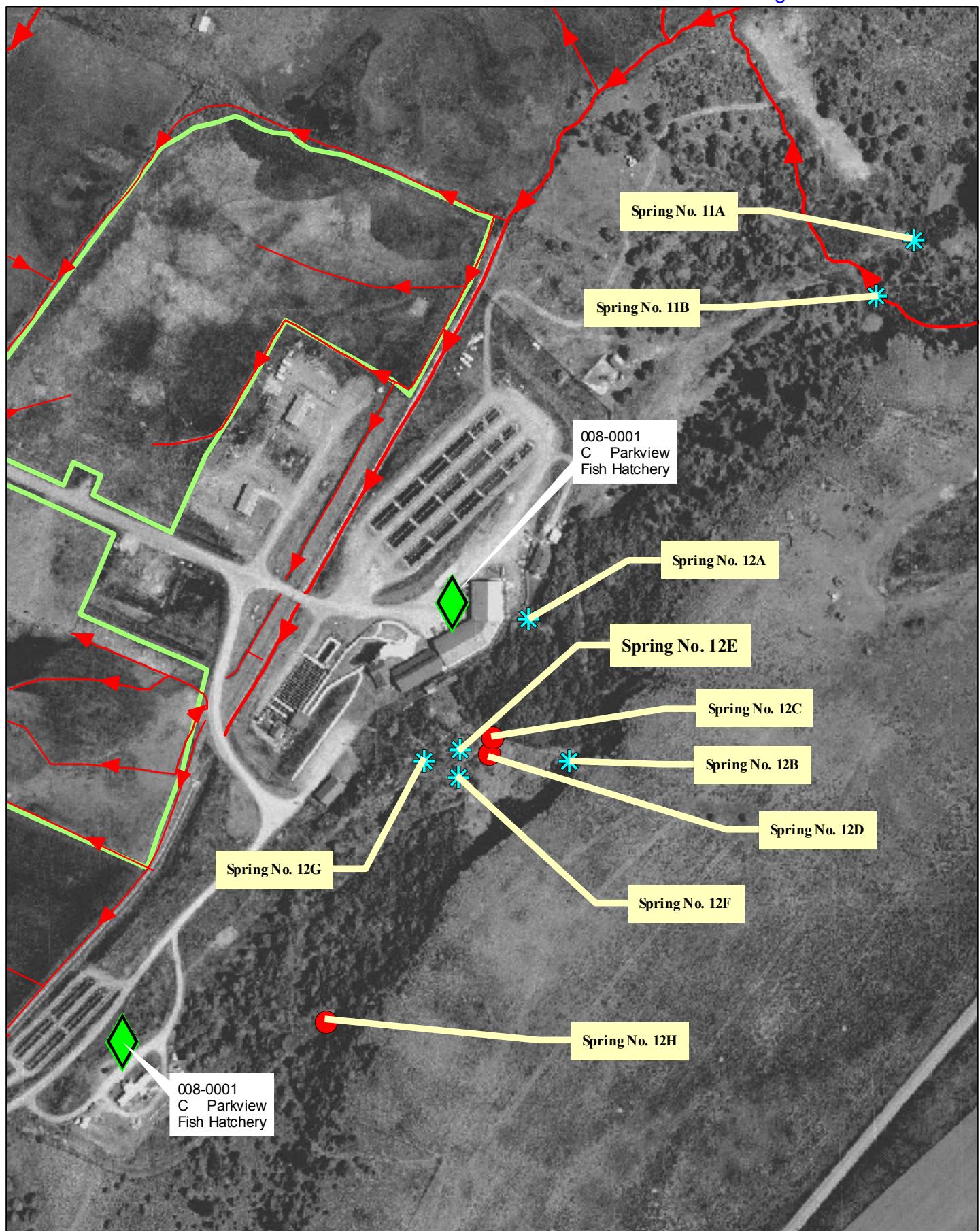
1 inch = 550 feet  
0 137.5 275 550



STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
Rio Brazos Section

Subfile Number  
**CHRB 008-0001**  
Parkview Ditch and  
Springs No. 11A, 11B,  
12A, 12B, 12E, 12F, 12G  
AMENDED  
January 26, 2010  
Map 1



Legend:

- In gated Tract Boundary
- No Right Tract Boundary
- See ped Area
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir

Legend:

- Pot of Diversion
- Weir
- Licensed Springs
- Unlicensed Springs

Legend:

- Fallow
- No Right
- Fish Hatchery

1 inch = 250 feet  
0 62.5 125 250  
Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.  
State Engineer  
  
Rio Chama Hydrographic Survey  
Rio Brazos Section

Subfile Number  
**CHRB 008-0001**  
Parkview Ditch and  
Springs No. 11A, 11B,  
12A, 12B, 12C, 12D,  
12E, 12F, 12G, 12H  
AMENDED  
January 26, 2010  
Map 2